

# **Language Access Plan**

## ***Lincoln County***

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the **Lincoln County** must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities the county has to ensure LEP individuals can communicate effectively.

This policy and plan is updated and effective February 4, 2013.

### **I. Scope of Policy**

These requirements will apply to Lincoln County (**herein referred to as “the county”**) including subcontractors, vendors, and subrecipients.

The county will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the county.

### **II. Definitions**

- A. **Limited English Proficient (LEP) individual** – Any prospective, potential, or actual recipient of benefits or services from the county, who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with county departments.
- B. **Vital Documents** – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

- C. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- D. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the county and speak a primary language other than English and have limited English proficiency.

### III. Providing Notice to LEP Individuals

- A. The county will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s).

List the current name, office telephone number and office address of the Title VI compliance officers:

Audrey Setzer  
(704) 736-8493  
115 West Main St.  
Lincolnton, NC 28092

**(Note: The county must notify the DCA compliance office immediately of changes in name or contact information for the Title VI compliance officer.)**

- B. The county will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.

**Identify areas within the county where these signs will be posted:**

- Citizens Center
- Health Department
- Department of Social Services
- Planning & Inspections Department
- Other county operated facilities

- C. The county will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).

- D. The county will also disseminate information in the following manner:
- Webpage
  - Brochures
  - Posters

**IV. Provision of Services to LEP Applicants/Recipients**

A. Assessing Linguistic Needs of Potential Applicants and Recipients

1. The county will assess the language needs of the population to be served, by identifying:
  - a. the language needs of each LEP applicant/recipient
  - b. the points of contact where language assistance is needed; and
  - c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.

2. Determining the Language Needs of the Population to be Served

The county is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:

- a. The non-English languages that are likely to be encountered in its program will be identified.
- b. An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals local entities should review:
  - i. census data
  - ii. school system data
  - iii. reports from federal, state, and local governments
  - iv. community agencies' information, and
  - v. data from client files
- c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.

3. Determining the Language Needs of Each Applicant/Recipient

The county will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:

- a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language.

The following methods that will be used:

- multi-language identification cards, a poster-size language list, or the use of "I speak" peel-off language identification cards for indicating preferred languages
  - English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy
- b. If the LEP person does not speak or read any of the languages identifiable by the multi-language identification cards, the county will use a telephone interpreting service to identify the client's primary language.
  - c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.
  - d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination. This service will be used to identify any individual's primary language and to interpret in that language whenever needed. e. If any applicant/recipient is assessed as LEP, they will be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

## B. Provision of Bilingual/Interpretive Services

1. The county will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement will be met by:

The county has several employees in various departments that are available to provide interpretative services. When their services are required the county will notify their supervisor to request their services and a time frame in which the services need to be provided.

Special provisions for hearing impaired individuals will be made either by use of the 711 telephone service and/or by use of an on site interpreter.

When an interpreter is not in the building, special appointments will be made at the individual's convenience. Every consideration will be given to emergency situations, and resolutions to the emergency will be sought immediately. Under no circumstances, shall a staff member make a determination to refuse an interpreter based solely on whether an applicant/recipient can answer short questions or questions to which the answer requires simple "yes" or "no" answers. Reception staff and phone operators will be trained to handle such situations. All other staff will likewise be trained. Staff members will work together to ensure that individuals receive the services and benefits needed

2. The county will provide language assistance at all level of interaction with LEP individuals, including telephone interactions.

Describe how this requirement will be met:

The county will use an on-staff Spanish language interpreter when available. All other interpretive services will be provided by CICS, Inc. for all other languages .

3. Interpreter Standards

- a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The county will ensure that interpreters and self-identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:
  - i. Can fluently and effectively communicate in both English and the primary language of the LEP individual
  - ii. Can accurately and impartially interpret to and from such languages and English
  - iii. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the county's services
  - iv. Demonstrates cultural competency
  - v. Understands the obligation to maintain confidentiality
  - vi. Understands the roles of interpreters and the ethics associated with being an interpreter

Describe how the county ensures the competency of bilingual staff and interpreters:

The county contracts with CICS, Inc. who independently certifies their interpreters.

Interpreters utilized by the Health Department meet specific requirements and training criteria for health care interpretation and translation.

- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.
4. Using Family Members or Friends as Interpreters
- a. Applicants/recipients may provide their own interpreter; however the county will not require or encourage them to do so.
  - b. The county will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the county may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The county will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
  - c. The county will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
  - d. Only under extenuating circumstances shall the county allow a minor (under the age of 18 years) to temporarily act as an interpreter. The county will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the DCA upon request.
  - e. Under all circumstances when a family member is used for interpretative services the county has the option to require that an independent interpreter sit in on the conversation to ensure the accuracy of the information being translated.

5. The county will *not* require the applicant/recipient to pay for bilingual/interpretive services.

C. Provision of Written Translations

1. The county must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.
2. Translation of Vital Documents
  - a. The county will ensure that vital documents for locally designed programs are translated into Spanish.
  - b. When DCA forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.
  - c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the county (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the county will translate and provide vital documents in the appropriate language.
  - d. The county will keep a record of all vital documents translated, and will submit this information to DCA at their request.
3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE COUNTY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

D. Documentation of Applicant/Recipient Case Records

1. The county will maintain case record documentation in sufficient detail to permit a reviewer to determine the county's compliance with this policy.

2. The county will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the county will:
  - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.
  - b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the county will document the circumstances requiring temporary use of a minor and will provide this information to DCA upon request.
3. Consent for the release of information will be obtained from applicants/recipients when individuals other than county employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

1. The county will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:
  - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
  - b. Cultural awareness information, including specific cultural characteristics of the groups served by the county to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The county will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the county. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the county; and cultural competency.
3. The county will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy.

Describe how this provision will be met: Educational material will be disseminated to grantees, contractors, cooperative agreement recipients



and other entities receiving state or federal dollars. These materials will outline the services expected to be offered by them through application of the LAP. A LAP compliance form and information on the LAP will be a part of all bid packages.

4. The county will collect and maintain the following information about training provided to county staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

**V. Compliance Procedures, Reporting and Monitoring**

**A. Reporting**

1. The county will complete an annual compliance report and send this report to DCA in a format will be supplied by DCA.

**B. Monitoring**

1. The county will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the DCA. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the DCA upon request.
2. The county will cooperate, when requested, with special review by the DCA .

**VI. Applicant/Recipient Complaints of Discriminatory Treatment**

**A. Complaints**

1. The county will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
2. The county will maintain records of any complaints filed, the date of filing, actions taken and resolution.
3. The county will notify the appropriate agency or Division within DCA of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

B. Investigation

1. The DCA Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

C. Resolution of Matters

1. If the investigation indicates a failure to comply with the Act, the local unit of government, department Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
2. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by DCA, then complaint will be forwarded to DOJ, HUD Field Office:

SUBMITTED AND APPROVED BY:

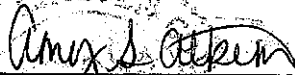


Alex E. Patton, Chairman  
Lincoln County Board of Commissioners

2-5-13

Date

ATTEST:



Amy S. Atkins, Clerk to the Board